

ARTICLE V. DISPOSITION OF IMPOUNDED ANIMALS

Sec. 6-136. Scope.

This article shall apply to, animals and the word "animals" as used herein shall mean, all animals other than those subject to the provisions of chapter 142 of the Texas Agriculture Code (estrays) and those subject to the provisions of article III of this chapter.

Sec. 6-137. Redemption rate after impoundment.

(a) The person entitled to the possession of any animal delivered to the animal control center shall be entitled to have the animal delivered to him at the animal control center upon presentation of satisfactory evidence of ownership, proof of compliance with any other applicable ordinance or statute governing the release of an animal to such owner, and payment of the following charges and fees as applicable, provided such animal is not infected or reasonably believed to be infected with rabies or any other infectious or contagious disease:

(1) Except as otherwise provided in this chapter, the following fees shall be charged for the impoundment of an animal in the animal control center:

a. For animals other than dogs and cats and for sterilized dogs and cats:

1. \$25.00 for the first impoundment of the animal;
2. \$50.00 for the second impoundment of the same animal; and
3. \$75.00 for the third and each subsequent impoundment of the same animal.

b. For unsterilized dogs or cats:

1. \$50.00 for the first impoundment of the animal; a \$20.00 refund may be obtained upon proof of sterilization (mandatory for cats) within 30 days;
2. \$75.00 for the second impoundment of the same animal; a \$20.00 refund may be obtained upon proof of mandatory sterilization (dogs and cats) within 30 days; and
3. \$100.00 for the third and each subsequent impoundment; a \$20.00 refund may be obtained upon proof of mandatory sterilization (dogs and cats) within 30 days.

The fees specified above for unsterilized dogs or cats shall apply unless the health officer is able to determine by external examination that the animal has been sterilized or the owner presents a certificate from a veterinarian establishing that the animal has been sterilized. Release of an unsterilized animal shall be conditioned as provided in subsection (g) below.

However, no impoundment fee shall be charged for dogs, cats or other small animals delivered to the animal control center by the owner, or for dogs, cats

or other small animals placed in custody of the animal control center because the owner of the animal has been arrested and is in the custody of the state.

(2) Purchase of a license as provided in article IV of this chapter if a dog or cat has no valid license.

(3) Except as otherwise specifically provided in this chapter, the director shall impose a daily boarding fee of not less than \$9.25 nor more than \$12.00 per animal. The director may promulgate a schedule of fees for various types of dogs and cats. The fees of impoundment shall be based on the costs for care and feeding of the type of dog or cat impounded. However, when a person seeks delivery of an animal on the first regular working day after a Sunday or after a holiday observed by closure of city offices, no boarding fee shall be charged for the immediately preceding Sunday or holiday unless such Sunday or holiday was within the period of quarantine of the animal for rabies observation. Provided further, no boarding fee shall be charged for any dog, cat or other small animal during the time that the owner thereof was in custody of the state when the animal was placed in the custody of the animal control center because such owner had been arrested. The animal control center shall not keep an animal of a person who is in the custody of the state for more than 15 days unless such animal is being held as evidence in a pending court case.

(4) A rabies vaccination fee of \$12.00 if a dog or cat has not been vaccinated in accordance with the provisions of article IV of this chapter.

(5) Reasonable expenses for the treatment of the animal for injury or illness. Any veterinarian of the animal control center is hereby specifically authorized to treat an animal for injury or illness when such treatment is found to be reasonably necessary in his judgment. The veterinarian in charge of the animal control center shall, from time to time, establish a uniform schedule of fees for such treatment on the basis of the city's actual costs incurred in providing such services. A copy of the schedule shall be posted at the animal control center, and a copy shall be filed with the city secretary. The minimum fee for veterinary services to any animal shall be not less than \$25.00.

(6) The fee imposed by section 6-17.1 of this Code for a tattoo placed on the animal unless the animal has been previously tattooed as required therein.

(b) It shall be the duty of the officer in charge of the animal control center to offer for sale any and all healthy animals impounded under the terms of section 6-111 and not redeemed within three days, and to sell the same for cash for the amount of the accrued fees against such animal. The person entitled to the possession of any animal shall be entitled to redeem the same upon paying the purchaser double the amount paid by him for such animal and his reasonable expenses for keeping the same. Any animal not so redeemed within 30 days from the date of the sale shall become the absolute property of the purchaser.

(c) No animals which have been taken to the animal control center shall be redeemed or sold unless they are vaccinated for rabies, except in such instances where the appropriate official has been furnished with satisfactory proof and evidence that such animal has been inoculated with a rabies vaccine approved by the U. S. Department of Agriculture's Veterinary Biologics Division, and that such immunization will not expire within the licensing year in which such animal is to be released.

(d) The owners of all animals impounded in the animal control center shall be required to redeem the same as provided for in subsection (a) hereof and shall not be permitted to purchase such animal in lieu of paying the redemption fee.

(e) It is hereby made unlawful to remove animals from the animal control center except in accordance with the procedures established herein and the regulations established by the director of the health department.

(f) Any dog or cat impounded in the animal control center that is claimed by the owner that has not been inoculated for rabies in accordance with article IV, which dog or cat cannot be inoculated in accordance with such section due to illness, will be delivered to any veterinary hospital within the city, designated by the owner thereof for further treatment for a fee of \$25.00, provided the veterinarian operating such veterinary hospital agrees to vaccinate such animal for rabies in accordance with article IV prior to releasing the animal from the veterinary hospital, and provided further, that such veterinarian also agrees to furnish a certificate evidencing the vaccination to the animal control center.

(g) Except where the health officer is able to determine by external examination that a dog or cat has been sterilized or the owner has presented a certificate from a veterinarian establishing that the animal has been sterilized, the release of the animal shall be conditioned upon an owner's execution of a written agreement that he will have the animal sterilized by a veterinarian and provide written proof thereof to the health officer within 30 days of the date of the animal's release.

It shall be unlawful for anyone to whom an animal has been conditionally released under this subsection to fail to timely cause the animal to be sterilized and to provide a veterinarian's certificate evidencing the sterilization to the health officer within 30 days after the date of the animal's release to the person.

(h) Under no circumstances may an animal that has been impounded be transferred or sold to a dealer as that term is defined in 7. U.S.C. § 2132.

(Code 1968, § 6-58; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 71-942, § 1, 5-25-71; Ord. No. 78-2552, § 4, 12-19-78; Ord. No. 79-2101, § 1, 11-27-79; Ord. No. 82-1109, § 5, 7-13-82; Ord. No. 85-296, §§ 8, 9, 2-27-85; Ord. No. 93-996, §§ 7, 8, 8-18-93; Ord. No. 93-1640, § 1, 12-22-93; Ord. No. 05-104, § 5, 2-2-05)

Sec. 6-138. Disposal of impounded dogs, cats, other animals not redeemed or sold.

Animals taken up and impounded under the terms of this chapter that are not redeemed as provided in this article shall be disposed of by the city as follows:

(1) Any animal that is vaccinated and sterilized and is otherwise deemed suitable for adoption, may be offered for adoption through a city facility. The director shall impose an adoption fee of not less than \$45.00 nor more than \$55.00 per animal. The director is authorized to offer an incentive program for one or more periods, not to exceed an aggregate of 30 days in the first calendar year after January 31, 2007, during which the department may fully or partially waive the adoption fee. Within ninety days after the completion of any incentive program period, the director shall compile the results of the program and provide a report to council members on the effectiveness of the program.

(2) Any animal that is suitable for adoption as a pet and is not placed for adoption through city facilities, may be placed for adoption through a private nonprofit humane shelter. The director shall establish uniform criteria for the placement of adoptable animals through humane shelters and shall make surplus adoptable animals available to those shelters that meet the criteria. The criteria shall include requirements that animals be vaccinated and sterilized in accordance with law and that the animals be licensed in the jurisdiction where they will be kept.

(3) The director may authorize a third party, not regularly employed by the city, to offer animals for adoption and collect the adoption fees on behalf of the city if such third party demonstrates proof of financial responsibility for the fees to be collected

and remitted in a form satisfactory to the director. A third party may not impose any fee in addition to that specified by this section.

(4) All animals that are not placed for adoption shall be destroyed by use of humane euthanasia procedures as recommended from time to time by the American Veterinary Medical Association.

(5) Under no circumstances may an animal be sold or donated for research or teaching purposes to a medical school, licensed hospital, or nonprofit university or college.

(Code 1968, § 6-59; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 77-2499, § 1, 12-8-77; Ord. No. 85-296, § 10(b), 2-27-85; Ord. No. 92-860, § 1, 6-24-92; Ord. No. 93-1640, § 2, 12-22-93; Ord. No. 05-104, § 6, 2-2-05; Ord. No. 07-149, §§ 1, 2, 1-31-07)

Sec. 6-139. Euthanasia of animals upon owner's or citizen's request.

The director may accept a dog or cat from the owner thereof for disposal for no charge. No fee shall be charged to a citizen who brings an injured or ill cat or dog to the animal control center for euthanasia. The disposal of such animals shall be accomplished in the same manner as though the animals had been impounded and not redeemed.

(Ord. No. 85-296, § 11, 3-1-85; Ord. No. 93-996, § 9, 8-18-93)

Sec. 6-140. Sterilization of dogs and cats.

In accordance with applicable state law the director shall establish procedures to ensure that no unsterilized dog or cat is released from the city's animal control facilities except under the terms of a sterilization agreement as required by chapter 28 of the Texas Health and Safety Code.

(Ord. No. 92-860, § 2, 6-24-92; Ord. No. 93-1640, § 3, 12-22-93)

Secs. 6-141--6-150. Reserved.